DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H09-0686-25** | **Applicant:** | **Mr I Dinaburgs** |
| **Proposal:** | Use of site for wood storage & distribution business - Retrospective | | |
| **Location:** | 10 Sluice Road Holbeach Clough Spalding | | |
| **Terminal Date:** | 10th September 2025 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 28 | The Natural Environment |
| 30 | Pollution |
| 33 | Delivering a More Sustainable Transport Network |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |

## CASE OFFICER ASSESSMENT

### Description of Proposal

The application seeks full planning permission for the use of the site for wood storage and a distribution business. The application is retrospective as the use began in May 2025, according to the submitted application form.

### Site Description

The site comprises land to the north of 10 Sluice Road. The land was formerly used as part of the garden for 10 Sluice Road which is a semi-detached dwelling. The land is enclosed by fencing including a close boarded timber fence and gate along the site frontage.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

### Relevant Planning History

H09-1057-13: (Full Application) Fence to front boundary (retrospective) - approved 15 January 2014

### Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Holbeach Parish Council: No comments.

Environmental Protection: No comments regarding environmental protection or land contamination.

Lincolnshire County Council - Highways and SUDS: The proposal is for Use of site for wood storage & distribution business - Retrospective and it does not have an impact on the Public Highway or Surface Water Flood Risk. That said, we would advise the Local Planning Authority to advise the applicant that the 3no. parking spaces are kept clear for that use to allow vehicles to enter, turn and leave in a forward gear, in the interests of highway safety. Additionally, the applicant is to be advised that the access gates that currently open outwards on to the highway are not acceptable and need to open inwards, again in the interests of highway safety.

Cllr C N Worth: No response received.

South Holland Internal Drainage Board: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

### Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the

Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity Net Gain; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Within the supporting policy text, paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) of the Local Plan is also considered to be relevant as this states the following:

*"New employment development/businesses or the extension of an existing business outside the...allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:*
*a. the development does not conflict with neighbouring land uses;*
*b. there is no significant adverse impact upon the character and appearance of the area;*
*c. the design is responsive to the local context;*
*d. there will be no significant adverse impact on the local highway network;*
*e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;*
*f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and*
*g. there is an identified need for the business location outside of identified employment areas on the*

*Policies Map."*

Therefore, the Local Plan allows for new employment development outside allocated employment sites if there is an identified need for the business location outside of identified employment areas.

In this case, the business is of a relatively small scale, and it is considered that the use accords with the above referenced criteria. For example, the business would not conflict with neighbouring land uses which includes dwellings to the south, and agricultural land within the wider area around the site. The proposed storage of wood would not have an adverse impact on the character and appearance of the area as the site is relatively well contained within the curtilage of the site. Sluice Road is characterised by various dwellings and agricultural buildings on the eastern side of the road and there is some open storage of agricultural equipment in the area. Whilst the site is outside any defined settlement boundary, the proposed business would not encroach into the open countryside as there is a sense of containment within the site. The opening hours of the business can be restricted to 8am to 4pm Monday to Sunday to protect the amenity of nearby residents. As such, the proposal would not conflict with Policy 7 of the Local Plan.

Therefore, the principle of development is considered to be acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. As such, the proposed development accords with Policies 1 and 7 of the Local Plan.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The proposal does not seek to install any buildings, however, outdoor storage is proposed. The storage of materials would be contained behind the site boundaries as the site is enclosed by fencing. There are existing outbuildings within the site, and it is considered that the storage of wood outside would be acceptable given that these items would be contained within the site rather than encroaching into the open countryside. Whilst the proposals would result in a more commercial character than the previous garden land use, it is not considered that this would have an adverse impact on the character of the area.The proposal would not cause an adverse impact to the character or appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The applicant stores various types of wood and sells it to the public. Customers visit the site to buy wood or the applicant deliveries the wood directly to customers. According to the submission, on average one customer visits the site per day and the applicant makes four deliveries. The site is open from 8am to 4pm seven days a week and the applicant is the only employee and is sometimes helped by his wife. The applicant only opens the gates of the site during these hours.

The area immediately around the site, to the south of the current application site would be retained for use as part of the garden for 10 Sluice Road. As such, occupants would retain external amenity space.

It is considered that the proposed use would not generate significant levels of noise or disturbance. Wood is stored and sold from the site, however, not in significant quantities. The operating hours can be restricted via a planning condition. Therefore, the proposed development accords with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The existing vehicular access to the site is taken from Sluice Road which is to the west of the site. Three parking spaces are proposed near the northern edge of the site. Lincolnshire County Council's highways team have recommended that the proposed three parking spaces are kept clear to allow vehicles to enter, turn and leave in a forward gear, in the interests of highway safety. Additionally, the team have set out that the access gates that currently open outwards on to the highway are not acceptable and need to open inwards, in the interests of highway safety.

It should be noted that whilst permission was granted for fencing along the site frontage under permission H09-1057-13, the fencing and gates that are currently located next to the site frontage is not the same. The fencing that was approved was 1.45m at its tallest, whereas the fencing is now 1.8m high and a larger vehicular access gate has been installed. In the interests of highway safety, the site plan has been amended to show that the gates will close into the site rather than outwards onto Sluice Road. The parking spaces have been moved to the east to facilitate this. It is also considered appropriate to include a condition requiring the gates to be altered within two months to ensure there is a timescale for altering the gates.

Therefore, the proposal would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development is considered to be exempt from the statutory BNG requirement as the proposed would fall under the de minimis exemption.

Flood Risk

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within a low hazard area. The SFRA does not recommend any specific mitigation for storage and distribution uses within low hazard areas.

Therefore, the proposed development is not likely to increase the risk of flooding within the site. The development therefore satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

## Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and flood risk. Overall, the proposed development accords with the Local Plan and the NPPF.

## Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## Conclusion

Taking these factors into consideration, the proposed development accords with Policies 1, 2, 3, 4, 7, 30 and 36 of the Local Plan, as well as Sections 9, 11, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

## Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.